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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,558	04/22/2004	Pierre Willard	5266-10500	6359

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EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2162

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/829,558

Applicant(s)

WILLARD ET AL.

Examiner

Jean M. Corrielus

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/12/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the application filed on April 22, 2004, in which claims 1-25 are presented for examination.

Information Disclosure Statement

2. The information disclosure statement filed on November 12, 2004 complies with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. It has been placed in the application file, and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 21-25 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, specifically, as directed to an abstract idea. Claims 21-25 define non-statutory processes because they merely manipulate an abstract idea. More specifically, claim 21 recites a computer accessible medium (disk) comprising program instructions. Such a computer accessible medium is a disk and is just an abstract idea without having a processor or a computer system to process or execute the program instructions in the accessible medium to form the basis of statutory subject matter under 35 USC 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless,—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell US Patent no. 6,377,951.

As to claim 1, Campbell discloses the claimed “receiving a first module which identifies a plurality of modules for use by an application” (Campbell’s col.6, lines 34-39, identifies the user modules from the user modules folder); “receiving additional data corresponding to said application, wherein said additional data identifies fewer than all of said plurality of modules and identifies an update to be made to one or more of said first module and said plurality of modules” (Campbell’s col.6, lines 46-58, determining whether there is a update necessary to be made); “performing said update” (Campbell’s col.6, lines 58-64, download the updated blocks).

As to claim 2, Campbell discloses the claimed “wherein said first module comprises a main directory module which is pushed, and wherein said additional data comprises a delta directory module which corresponds to said main directory module” (Campbell’s col.7, lines 1-9, modules folder).

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As to claim 3, Campbell discloses the claimed "wherein said received main directory module is stored in a memory of a receiving device, and wherein said update comprises directly modifying said main directory module stored in memory" (Campbell's col.1, line 66-col.2, line 3).

As to claim 4, Campbell discloses the claimed "wherein said delta directory includes an identifier which indicates a Version to which said main directory is updated in response to performing said update identified by said delta directory" (Campbell's col.8, lines 11-18, most recent information).

As to claim 5, Campbell discloses the claimed "wherein in response to performing said update, corresponding changes are effected in one or more of said plurality of modules, said corresponding changes being selected from the group consisting of: the addition of a new module; the removal of an existing module; and revisions to an existing module" (Campbell's col.6, lines 58-64, replace the out dated modules with the most recent information).

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As to claim 6, Campbell discloses the claimed "wherein said plurality of modules comprise one or both of executable application code or data for access by said application during execution" (Campbell's col.24, lines 7-10).

As to claim 7, Campbell discloses the claimed "wherein said first module is pushed and wherein said method further comprises said application utilizing said additional data to register changes to the first module" (see Campbell's col.8, lines 14-23).

As to claim 8, Campbell discloses the claimed "wherein said additional data is pulled by said application" (Campbell's col.7, lines 38-40).

As to claims 9-16:

Claims 9-15 are the receiving device contain the same limitations as the method claims 1-8 above. They are, therefore, rejected under the same rationale. In addition, discloses a circuitry configuration (col.).

As to claims 17-20:

The limitations of claims 17-20 are already been addressed in the rejection of claims 1-8 above. In addition, Campbell discloses the claimed "an server configured to convey data for use by an application" (see Campbell's Kangaroos as servers with the Kangaroo network); "a transmitter configured to convey data for broadcast" (col.5, lines 42-48); "generate a plurality of modules corresponding to said data" (col.5, lines 53-58);

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"generate a first module which identifies said plurality of modules" (col.6, lines 35-38); "convey said first module and said plurality of modules" (col.6, lines 45-52); "determine a change to said plurality of modules is required" (col.6, lines 54-58); "generate a second module which identifies fewer than all of said plurality of modules and which identifies said change" (col.6, lines 58-64); and "convey said second module" (col.6, lines 58-64).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is 571-2724032. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 571-2724107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 8, 2007

Jean M. Corrielus
Primary Examiner
Art Unit 2162

JEAN M. CORRIELUS
PRIMARY EXAMINER